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16 The Vanguard Group, Inc.

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 OAKLAND DIVISION

20 JOEL HORNSTEIN, On Behalf of Himself
21 and all Others Similarly Situated,

22 Plaintiff,

23 v.

24 THE VANGUARD GROUP, INC.,

25 Defendant.

Case No. C-07-3239 SBA

**DECLARATION OF CONNIE E.
MERRIETT IN SUPPORT OF THE
VANGUARD GROUP, INC.'S MOTION TO
DISMISS**

Date: October 23, 2007
Time: 1:00 p.m.
Courtroom: 3
Judge: Hon. Sandra Brown Armstrong

26 I, CONNIE E. MERRIETT, declare as follows:

27 1. I am an attorney at law duly licensed to practice law in the State of California and
28 before the Northern District of California, and am an associate with the law firm of Dechert LLP,
attorneys for Defendant The Vanguard Group, Inc. ("Vanguard") in the above-entitled action.
The following declaration is based on my personal knowledge. If called upon to testify, I could
testify competently as to the matters set forth herein. This declaration is submitted in support of
Defendant The Vanguard Group, Inc.'s Motion to Dismiss.

